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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,293	10/06/2004	Anders Helmner	77191.21900	6475
30734 7590 04/15/2008 BAKER & HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304				
EXAMINER				
GREENHUT, CHARLES N				
ART UNIT		PAPER NUMBER		
3652				
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04/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/510,293

**Applicant(s)**

HELMNER, ANDERS

**Examiner**

CHARLES N. GREENHUT

**Art Unit**

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/27/08 & 1/31/08.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1.5, 21, 23, 25 and 27-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1.5, 21, 23, 25 and 27-29 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **I Continued Examination**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/14/08 has been entered.

## **II Claim Rejections - 35 USC § 112**

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 5, 21, and 23, 25, 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - 1.1. With respect to claim(s) 1 line 18 and claim 21 line 21, it is unclear what is meant by the phrase "in the conveying direction a conveyor belt." Appropriate correction is required.

## **III Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1, 5, 21, and 23, 25, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over THOGERSEN (WO 01/51356 A) in view of HELMNER (DE 42 38 095 A1).

*NOTE: For convenience, references to THOGERSEN will be made to US 7,033,125 B2 and references to HELMNER will be made to Applicant's own discussion of that reference on page 3 of the specification.*

- 1.1. With respect to claim(s) 1, 5, 21 and 23, THOGERSEN discloses external conveyor (7), connecting to cargo hold (52) opening (51), intermediate conveyor (8) comprising a first organ (the sections 30 that are between external conveyor organ (7) and guide (55) – Fig. 11) that is modifiable in length in the conveying direction transverse to the plane (e.g., by varying position of guide 55 by moving bridge 50 (Col. 7 Li. 46-47)), and comprises a belt (32), at the end of the first organ (at 56/57) a second organ (the sections 30 that are between guide (56/57) and end (31) – Fig. 11) that is modifiable in length in the longitudinal direction (by extending section (8) cf. 10-11), comprising a belt

(32), the second organ mounted slidably (via flexible coupling Col. 6 Li. 26-30) relative to the first, including a wheel (44) in overlap with the external conveyor organ (Fig. 7). THOGERSEN fails to teach a transport means covering an area of the floor of the cargo hold. A transport carpet covering the floor of a cargo hold is well-known in the art as discussed in Applicant's disclosure (Pg 3 Li 26 et seq.). It would have been obvious to one having ordinary skill in the art to use the THOGERSEN system with a plane having the well-known transport carpet of HELMNER in order to facilitate loading and unloading those planes.

1.2. With respect to claim(s) 25, 27-28, THOGERSEN additionally discloses an end (31) of the intermediate conveyor means adjustable in height, by pivoting about an axis transverse to the conveying direction -30-30 degrees with the angle of inclination of the external organ (7) (cf. fig 16-17)

1.3. With respect to claim(s) 29, THOGERSEN fails to disclose aluminum or fiber composites. THOGERSEN specifies plastic for some components but does not provide detail with regard to the material of all components. Aluminum and fiber composites are well-known in the art. It would have been obvious to one having ordinary skill in the art to employ these well-known materials to obtain the predictable results of having a high strength to weight ratio, often desirable in the aircraft industry.

#### **IV Response to Applicant's Arguments**

Applicant's arguments entered 2/27/08 have been fully considered.

1. Applicant argues that THOGERSEN in view of HELMNER does not render the claims obvious because of certain deficiencies (e.g., necessitating human intervention) with the operation of the THOGERSEN apparatus, such deficiencies not being cured by HELMNER. This argument is not persuasive. Applicant does not point to any specific language within these claims which applicant feels patentably distinguishes over the prior art of record. Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
2. Applicant argues that THOGERSEN in view of HELMNER does not render the claims obvious because one of ordinary skill in the art would not be motivated to combine those references. This argument is not persuasive. Applicant admits that the apparatus of HELMNER is presently in use in some aircraft. In the event these planes encounter an airport where the THOGERSEN apparatus is in use combination of the devices may not only be practical it may be necessitated.

#### **V Conclusion**

1. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached at (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 3652

2. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG

/C. N. G./  
Examiner, Art Unit 3652

/Saúl J. Rodríguez/  
Supervisory Patent Examiner, Art Unit 3652